

KENTUCKY ENVIRONMENTAL LEAD PROGRAM

October 1998

Announcements or Updates

"Reciprocity"

Kentucky and other Region IV States met in Atlanta, Georgia on October 18-19, to discuss reciprocity issues. A regional reciprocity agreement appears to be a major undertaking and if established will be several months away.

Due to new legislation, some of the southern states are attempting to establish individual state agreements. At present Kentucky is not prepared to undertake a reciprocity agreement with any other State, therefore, the equivalent certification of an individual is not available at this time.

"Photograph Requirement"

The agency is going to use digital imaging for certification identification and related file information. For that reason initial and renewal certification requirements, include the submission a color photograph at minimum two (2) x two (2) inches in size. Applications will not be processed until a photograph is provided.

General Section

Kentucky Law states that beginning July 1, 1997, all persons who perform **or offer to perform lead-hazard detection or lead-hazard abatement services in target housing or child-occupied facilities** are required to be certified under the requirements indicated in 902 KAR 47:080.

Note that the wording says "**or offer to perform**," which means you **cannot bid a job before being certified** or in the case of a company having certified personnel to prepare plans to conduct abatement activities. Also note, as well, an **individual cannot offer to perform lead-hazard detection without certification.**

These violations should be reported to the Environmental Lead Program, so that the appropriate action against these individuals and firms.

Agency regulations are available on the internet at www.lrc.state.ky.us/kar/TITLE902.HTM

Supervisor/Worker/Company

Information concerning abatement, occupant protection plans.

A large project (ten or more units) requires the use of a certified lead-hazard project designer. Smaller projects require the use of a certified lead-hazard supervisor. Either of these individuals must be involved in the abatement and occupant protection plan, and the final abatement report.

Information concerning abatement permit fees.

If containment is conducted a \$225 fee is required per street address, otherwise the potential for contamination in all rooms must be addressed, and the fee cost will be determined on that basis. Exterior abatement requires a fee of \$125, and may be separate of the fee assessed for interior abatement.

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Inspector/Risk Assessor Section

There has been some questions concerning the content of reports concerning **lead hazard inspections, screenings, and risk assessments**. Kentucky regulation 902 47:100 Section 3 – 5 refers to the content of these three reports. This is the minimum amount that must be included in the report

Note, that copies of reports are required by regulation to be provided to the agency within thirty (30) days of the completion of the activity.

The non-submittal of reports can result in the suspension of certification of the inspector or risk assessor.

In addition, reports which are submitted as a part of the abatement plan that have not been reviewed, will extend the abatement permit process, until the Department determines that the report has accurate information, etc.

Other Issues

Kentucky Environmental Lead Law and related regulations concern detection and use of standards to conduct abatement; however, these regulations do not require abatement of lead hazards. There are however, separate requirements for abatement when a child is found to have an elevated blood lead level under the Kentucky Lead Poisoning Prevention Act. This act is enforced through local health departments.

When contacted by person who wishes to have the lead in a residence abated, you should determine if a local health department is involved. The local health department may have issued an abatement directive to the owner. Usually certain conditions must be met in order for the owner to comply, and the health department will have to conduct a follow-up inspection.

Training Providers

Course Updates

Due to regulatory changes many of the training manuals that are being used in Kentucky accredited courses are out-dated. Reportedly new EPA model courses are being prepared and will be available "hopefully;" within the next few months. Although some course materials are unique to a training provider, the EPA model should be used as a guide to insure that all course topics are covered, along with required hands-on activities.

Regulations require that training provider updates and changes concerning the training manager, principal instructors, curriculum, course materials, be submitted to the Department.

OSHA hands-on skills are not allowed in EPA Lead Courses. For instance OSHA skills can not be included in the 16-hour worker course or the 32-hour supervisor course. Trainees attending these courses may require additional OSHA training in order to meet OSHA medical surveillance and work place standards.

EPA rules, HUD Guidelines, and state lead regulations should be taught; however, OSHA regulations can be reviewed and taught on a limited scale.

It is also essential that all of the "Hands-on Skills Directed by Regulation Are Taught"

These must test the trainees' ability to satisfactorily perform work practice standards and procedures, and includes a written evaluation of the performance.

Worker Course and Certification

Policy and regulation dictate that a worker must take an accredited worker course in order to be certified in Kentucky. Taking an accredited supervisor course will not qualify an individual for worker certification.

Editor:

Terry M. Wescott, Health Program Adm.
Environmental Lead Program
275 East main Street
Frankfort, Kentucky 40621
(502) 564-4537